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Human Rights Council

Twenty-third session

Agenda item 4

Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council*

23/21.

Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002 and 275/2003 of the African Commission on Human and Peoples' Rights,

Recalling also Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further Human Rights Council resolution 20/20 of 6 July 2012, in which the Council established the mandate of Special Rapporteur on the situation of human rights in Eritrea,

Recalling Human Rights Council resolution 21/1 of 26 September 2012, in which the Council decided that the documentation considered by the Council under its complaint procedure relating to the situation of human rights in Eritrea should no longer be considered confidential, with the exception of the names or any other identifying information of specific individuals who have not consented, and invited the Special Rapporteur on the situation of human rights in Eritrea to investigate further the allegations contained in the submitted complaints and to report thereon to the Council at its twenty-sixth session,

Expressing deep concern at the ongoing reports of grave violations of human rights by the Eritrean authorities against their own population and fellow citizens, including violation of civil and political rights, as well as economic, social and cultural rights, and the alarming number of civilians fleeing Eritrea as a result of those violations,

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its twenty-third session (A/HRC/23/2), chap. I.

Expressing grave concern at the compulsory practice of children undertaking their final year of schooling in a military training camp,

Expressing grave concern also at the widespread use of indefinite conscription into national service, a system that constitutes forced labour, and the forced conscription of children under the age of 18 into military service,

Expressing grave concern further at the reported use of forced labour, including of conscripts and minors in the mining industry,

Reaffirming that everyone has the right to leave any country, including his or her own, and to return to his or her country,

Noting the participation of Eritrea in the first cycle of the universal periodic review,

Noting also the efforts of Eritrea to achieve the Millennium Development Goals and to promote gender equality and progress on female genital mutilation, while stressing that sustainable social changes are linked with the establishment of a conducive political and legal environment,

Recalling the Charter, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and international human rights treaties to which States are party,

Recalling also the obligations of Eritrea under the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child,

Expressing concern at the failure of the Government of Eritrea to cooperate with the Special Rapporteur on the situation of human rights in Eritrea,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Eritrea;¹

2. *Strongly condemns*:

(a) The continued, widespread and systematic violations of human rights and fundamental freedoms committed by the Eritrean authorities, including cases of arbitrary and extrajudicial executions, enforced disappearances, the use of torture, arbitrary and incommunicado detention without recourse to justice, and detention in inhumane and degrading conditions;

(b) The severe restrictions on freedom of opinion and expression, freedom of information, freedom of thought, conscience and religion and freedom of peaceful assembly and association, including the detention of journalists, human rights defenders, political actors and religious leaders and practitioners in Eritrea;

(c) The forced conscription of citizens for indefinite periods of national service, a system that amounts to forced labour, and the compulsory practice of all children undertaking the final year of schooling in a military training camp, as well as the intimidation and detention of family members of those suspected of evading national service in Eritrea;

(d) The severe restrictions on freedom of movement, including the arbitrary detention of people caught attempting to flee the country or suspected of an intention to do so;

¹ A/HRC/23/53.

(e) The violations of the rights of the child, including but not limited to the forced military conscription of children;

(f) The widespread use of torture and other cruel, inhuman or degrading treatment or punishment and the use of places of detention that fall far short of international standards, including underground cells and metal shipping containers;

(g) The shoot-to-kill practice employed on the borders of Eritrea to stop Eritrean citizens seeking to flee their country;

(h) Any violation by the Government of Eritrea of its international human rights obligations in connection with the collection of taxes outside Eritrea from its nationals;

(i) The lack of cooperation with international and regional human rights mechanisms by Eritrea;

3. *Calls upon* the Government of Eritrea, without delay:

(a) To end its use of arbitrary detention of its citizens, and to end the use of torture or other cruel, inhumane and degrading treatment or punishment;

(b) To account for and release all political prisoners, including members of the “G-15” and journalists;

(c) To ensure free and fair access to an independent judicial system for those detained, and to improve prison conditions, including by prohibiting the use of underground cells and shipping containers to hold prisoners, ending the use of secret detention centres and secret courts and the practice of incommunicado detention, and allowing regular access to prisoners for relatives, legal advocates, medical care and other competent and legally authorized authorities and institutions;

(d) To put an end to the system of indefinite national service, to provide for conscientious objection to military service, and to end the compulsory practice of all children undertaking their final year of schooling in a military training camp;

(e) To allow human rights and humanitarian organizations to operate in Eritrea without fear or intimidation, and to facilitate the full implementation of the Strategic Partnership Cooperation Framework for 2013-2016 signed by the Government of Eritrea and the United Nations on 28 January 2013;

(f) To respect everyone’s right to freedom of expression and to freedom of thought, conscience and religion or belief, and the rights to freedom of peaceful assembly and of association;

(g) To enhance the promotion and protection of women’s rights, including by taking further measures to combat harmful practices, such as early marriage and female genital mutilation;

(h) To implement the recommendations accepted during its universal periodic review, to report on progress made and to cooperate fully with the Human Rights Council and the universal periodic review during its second cycle;

(i) To end “guilt-by-association” policies that target family members of those who evade national service or seek to flee Eritrea;

(j) To cooperate fully with the Office of the United Nations High Commissioner for Human Rights, in accordance with its international human rights obligations, by, inter alia, allowing access to a mission by the Office as requested by the High Commissioner, the human rights treaty bodies, all mechanisms of the Human Rights Council and with all international and regional human rights mechanisms;

(k) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including journalists and Djiboutian combatants;

(l) To implement fully the Constitution of Eritrea adopted in 1997, and to govern in accordance with the principles of the rule of law;

4. *Urges* Eritrea to make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

5. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year, and requests her to present a report to the Human Rights Council at its twenty-sixth session and to address and engage in an interactive dialogue with the General Assembly at its sixty-eighth session;

6. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, to permit her access to visit the country, to give due consideration to the recommendations contained in her first report and to provide the information necessary for the fulfilment of her mandate, and underlines the importance for all States to lend their support to the Special Rapporteur for the discharge of her mandate;

7. *Urges* the international community to cooperate fully with the Special Rapporteur and to strengthen efforts to ensure the protection of those fleeing from Eritrea, in particular the increasing number of unaccompanied children;

8. *Requests* the Secretary-General to provide the Special Rapporteur with all information and the resources necessary to fulfil the mandate;

9. *Decides* to remain seized of the matter.

40th meeting
14 June 2013

[Adopted without a vote.]
